



June 1, 2001



06-02-

#3 SEARN  
\$

Tellabs  
4951 Indiana Avenue  
Lisle, IL 60532 U.S.A.  
Tel: +1.630.378.8800  
Fax: +1.630.512.7293

Tellabs Docket No.

PB 00 0013

**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Presented for filing is a Response to Notice To File Missing Parts of the application of:

Applicant: James W. Borchering

Title: METHOD AND APPARATUS FOR A DATA  
FIRST OPTICAL NETWORK

Enclosed are the following papers:

- a. Response to Notice To File Missing Parts of Non-Provisional Application
- b. Copy of the received Notice To File Missing Parts of Non-Provisional Application
- c. Fee Transmittal for FY 2001 in duplicate
- d. Transmittal Form
- e. Postage Paid Return Receipt Postcard
- f. Certificate of Mailing by "Express Mail"

If this Response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 630-512-7027. Kindly acknowledge receipt of this filing by returning the enclosed postcard.

Please send all correspondence to:

Kenneth J. Rudofski  
Tellabs Operations, Inc.  
4951 Indiana Avenue  
Lisle, IL 60532

Respectfully submitted:

Kenneth J. Rudofski  
Director, Intellectual Property

Enclosures



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

**CONFIRMATION NO. 5034**

[illegible]

\*OC000000005936055\*

Date Mailed: 04/04/2001

**FILED UNDER 37 CFR 1.53(b)**

**Filing Date Granted**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Man

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

037-3379

0000007-0000

THE  
NATIONAL  
ARCHIVES



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: )  
James W. Borchering )  
Serial No. 09/785,370 )  
Date Filed: February 16, 2001 )  
Group Art Unit: 2661 )  
Confirmation No. 5034 )  
Title: METHOD AND APPARATUS FOR )  
A DATA FIRST OPTICAL NETWORK )

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D. C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION


Dear Sir:

Pursuant to 37 C.F.R. § 1.53(f), the Applicant hereby responds to the Notice to File Missing Parts of Nonprovisional Application. Submitted herewith are (1) an executed Combined Declaration and Power of Attorney For Patent Application, (2) a copy of the received Notice to File Missing Parts of Nonprovisional Application, and (3) authorization to charge Deposit Account No. 500-654 in the amount of \$130.00 to cover the appropriate fee for this response. Applicant notes that a filing date has already been granted for this application.

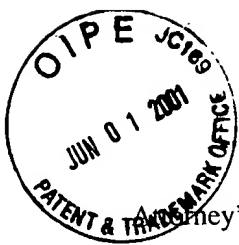
Please contact the undersigned if there are any questions related to this response.

Date: June 1, 2001

Respectfully submitted,

  
Kenneth J. Rudofski  
Attorney for Applicant  
Registration No. 35,997

Tellabs Operations, Inc.  
4951 Indiana Avenue  
Lisle, Illinois 60532 USA  
(630) 512-7027



Attorney's Docket No. PB 00 0013

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: )  
)  
James W. Borchering )  
)  
Serial No.: 09/785,370 )  
)  
Filed: February 16, 2001 )  
)  
)  
Group Art Unit: 2661 )  
)  
For: METHOD AND APPARATUS FOR )  
A DATA FIRST OPTICAL NETWORK )  
)

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D. C. 20231

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Dear Sir:

"Express Mail" Mailing Label Number: ET 172 963 868 US

Date of Deposit: June 1, 2001

Application of: James W. Borchering

Tellabs Docket No. PB 00 0013

Title of Application: METHOD AND APPARATUS FOR  
A DATA FIRST OPTICAL NETWORK

Commissioner for Patents

June 1, 2001

Page 2



<u>  X  </u>	Combined Declaration and Power of Attorney for Patent Application
<u>  X  </u>	Response to Notice to File Missing Parts of Non-Provisional Application
<u>  X  </u>	Copy of the received Notice to File Missing Parts of Non-Provisional Application
<u>  X  </u>	Fee Transmittal for FY 2001 (in duplicate)
<u>  X  </u>	Transmittal Form
<u>  X  </u>	Certificate of Mailing by "Express Mail" ET 172 963 868 US
<u>  X  </u>	Postage Paid Return Postcard

I hereby certify that the above-identified and attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below, and are addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date:

June 1, 2001

By:

Janet Missig  
Janet Missig



Please stamp plus sign inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/785,370	
	<b>Filing Date</b>	February 16, 2001	
	<b>First Named Inventor</b>	James W. Borchering	
	<b>Group Art Unit</b>	2661	
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>	10	<b>Attorney Docket Number</b>	PB 00 0013

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  see list below
<b>Remarks</b>  1, Post Card		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kenneth J. Rudofski Tellabs Operations, Inc.
Signature	
Date	6-1-01

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number	09/785.370
Filing Date	February 16, 2001
First Named Inventor	James W. Borchering
Examiner Name	
Group Art Unit	2661
Attorney Docket No.	PB 00 0013

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 500 - 654  
Deposit Account Name: Tellabs Operations, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES

Total Claims:  - 20\*\* =  X  =   
Independent Claims:  - 3\*\* =  X  =   
Multiple Dependent:  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) Response to File Missing Parts			130.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130.00

## SUBMITTED BY

Name (Print/Type)	Kenneth J. Rudofski	Registration No. (Attorney/Agent)	35,997	Telephone	630-512-7027
Signature		Date	6-1-01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.